

ILLINOIS COMMERCE COMMISSION

[illegible]

Petition for Arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Illinois Bell Telephone Company.

Staff (“Staff”) of the Illinois Commerce Commission (“Commission” or “ICC”), by and through its undersigned counsel, pursuant to Part 761 of the Administrative Rules of Practice of the Commission and the schedule set by the Administrative Law Judges (“ALJs”) in this proceeding, respectfully submits its Objection (“Objection”) to the Petition to Intervene of Cbeyond Communications, LLC, Level 3 Communications, LLC, Peerless Network of Illinois, LLC and tw telecom of Illinois llc (collectively, “Intervenors”) in the instant proceeding.

Intervenors filed Cbeyond Communications, LLC, Level 3 Communications, LLC, Peerless Network of Illinois, LLC, and tw telecom of Illinois llc's Petition to Intervene (the

“Petition to Intervene”) on April 26, 2013 in the above captioned proceeding, arguing that the Intervenors have a right to intervene in this proceeding pursuant to Part 762.210 of the Rules of Practice of the Commission.

Objection

Staff objects to the Petition to Intervene for the following reasons. First, Part 762.210 provides for the intervention of parties in proceedings dealing with the Commission approval or rejection of an Arbitrated Interconnection Agreement, not the arbitration proceeding itself, as the Intervenors are seeking in this case. 83 Ill. Admin. Code § 762.210. Consequently, the rule cited by the Intervenors is inapposite. Second, the administrative rules that do apply to arbitrations and to this proceeding, Part 761 of the Rules of Practice of the Illinois Commerce Commission, limit those parties that may participate in this type of case to the petitioner for arbitration, respondent and Staff, and specifically prohibits any other party from intervening. The Intervenors do not fall within any of the permissible categories of parties. 83 Ill. Admin. Code § 761.30. More specifically, Part 761 provides that:

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a person entitled to file a response to a petition for arbitration pursuant to Section 252(b)(3) of the Communications Act of 1934. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part. *No other person shall be granted party status or be allowed to intervene.*

Part 761.30 Definitions (emphasis added).

The Intervenors here neither initiated the arbitration proceeding, nor are they entitled to file a response to a petition for arbitration pursuant to Section

252(b)(2) of the Communications Act of 1934, and therefore, the Commission's rules prohibit their intervention in this case.

WHEREFORE, Staff respectfully objects to the Intervenor's Petition to Intervene.

Respectfully,

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